

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

CALVASHA SUMMERS,

Plaintiff,

VS.

LYNN P. TORRES, SUPERINTENDENT,
& LUFKIN INDEPENDENT SCHOOL
DISTRICT,

Defendants.

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CIVIL ACTION NO. 9:22-CV-00029
JUDGE MICHAEL J. TRUNCALE

ORDER ADOPTING REPORT AND RECOMMENDATION

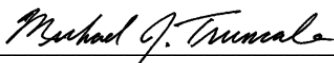
On December 30, 2022, the Court referred Defendants Lynn P. Torres, Superintendent, and Lufkin Independent School District's (collectively, "Defendants") Motion to Dismiss Plaintiff's First Amended Complaint [Dkt. 17] to United States Magistrate Judge Zack Hawthorn for consideration and disposition. [Dkt. 36]. On March 10, 2023, Judge Hawthorn issued his Report and Recommendation, recommending that this Court grant Defendants' instant motion to dismiss. [Dkt. 44]. On March 24, 2023, Summers filed her Objections to Magistrate Judge's Report and Recommendation. [Dkt. 51].

A party who files timely written objections to a magistrate judge's report and recommendation is entitled to a *de novo* determination of those findings or recommendations to which the party specifically objects. 28 U.S.C. § 636(b)(1)(c); FED. R. CIV. P. 72(b)(2)–(3). "Parties filing objections must specifically identify those findings [to which they object]. Frivolous, conclusive or general objections need not be considered by the district court." *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglas v. United Servs. Auto. Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (en banc).

The Court has conducted a *de novo* review of Judge Hawthorn's Report and Recommendation and has carefully considered Plaintiff's objections. The Court finds that Judge Hawthorn's conclusions are correct, and that Plaintiff's objections are without merit.

It is therefore **ORDERED** that Plaintiff Calvasha Summers's Objections to Magistrate Judge's Report and Recommendation [Dkt. 51] are **OVERRULED** and Judge Hawthorn's Report and Recommendation Granting Defendants Lynn P. Torres, Superintendent, and Lufkin Independent School District's Motion to Dismiss [Dkt. 44] is **ADOPTED**. Accordingly, Plaintiff Calvasha Summers's First Amended Complaint [Dkt. 13] against Defendants Lynn P. Torres, Superintendent, and Lufkin Independent School District is **DISMISSED WITH PREJUDICE**. The Court will issue a Final Judgment separately.

SIGNED this 27th day of March, 2023.



Michael J. Truncale
United States District Judge